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November 5, 2019

VIA ECF

Hon. James B. Clark, III, U.S.M.J.
United States District Court of New Jersey
Martin Luther King Building and U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

Re: GEICO v. He, M.D. et al
Case Number: 2:19-cv-9465-KM-JBC

Dear Judge Clark:

We represent Defendant Anthony Surace, M.D. in this matter and write in accordance with the Order of Hon. Kevin McNulty, U.S.D.J., dated October 29, 2019.

Attached is a declaration from Dr. Surace, which is provided in an effort to clarify the issue of personal service in this case. Specifically, Dr. Surace confirms that he was never personally served with the Complaint in this matter. Nonetheless, in an effort to move forward substantively without further time or expense, Dr. Surace waives personal service in this case. Accordingly, there is no need for an evidentiary hearing.

Respectfully submitted,



Shannon Carroll
For BRACH EICHLER L.L.C.

cc: Counsel of Record (via ECF)

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

GOVERNMENT EMPLOYEES INSURANCE CO.,
GEICO INDEMNITY CO., GEICO GENERAL
INSURANCE COMPANY and GEICO CASUALTY
CO.,

Plaintiffs,

v.

NINGNING HE, M.D., ADVANCED PAIN
CARE, L.L.C., SASCHA QIAN, M.D., RAJIVAN
MANIAM, M.D., YOUNG M. AHN, L.AC.,
APEX ANESTHESIA ASSOCIATES, L.C.C.,
JOHN LI, M.D., ANTHONY SURACE, M.D.,
ANI KALFAYAN, M.D., SAMUEL
CARUTHERS, M.D., TIMOTHY FINLEY, M.D.,
SANJAY TEWARI, M.D., and LOUIS
QUARTARARO, M.D.,

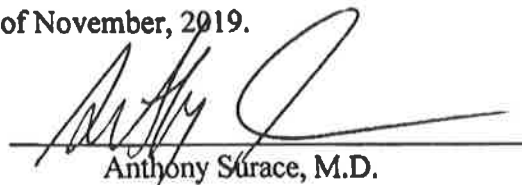
Defendants.

CIVIL ACTION NO.:
2:19-cv-09465-KM-JBC

I, Anthony Surace, M.D. hereby declare:

1. I am a physician licensed to practice medicine in New Jersey.
2. To clarify, I have never been personally served with the Complaint in this case. I have also never evaded service.
3. The Plaintiffs simply did not endeavor to serve me properly.
4. Both affidavits of service presented by the Plaintiffs are inaccurate as described in my previous two declarations.
5. Nonetheless, to avoid time and expense, I have agreed to waive personal service in this matter.

In accordance with 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on this 5th day of November, 2019.



Anthony Surace, M.D.